

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LUIS FIGUEROA,	:	Hon. Joseph H. Rodriguez
Petitioner,	:	Civil Action No. 04-1424
v.	:	ORDER
UNITED STATES OF AMERICA,	:	
Respondent.	:	

This matter has come before the Court on Petitioner's April 7, 2014 motion for default judgment against the United States. The motion is summarily denied.

On June 30, 2005, this Court dismissed Petitioner's 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct his sentence. On July 28, 2005, the Court denied Petitioner's Motion for Reconsideration. He appealed, but on April 27, 2006, the United States Court of Appeals for the Third Circuit denied a certificate of appealability. On May 15, 2008, Petitioner filed a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b), arguing that the Court "did not include in its adjudication" an affidavit of the Petitioner which was "directly related to the truth." That motion was denied.

On February 10, 2011, Petitioner filed a second motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b), arguing that this Court's 2005 denial of his § 2255 motion "was an affront to the integrity of the habeas proceeding," and amounted to "a miscarriage of justice." That motion was denied, as was a subsequent motion for reconsideration and a motion to "disqualify" this Judge.

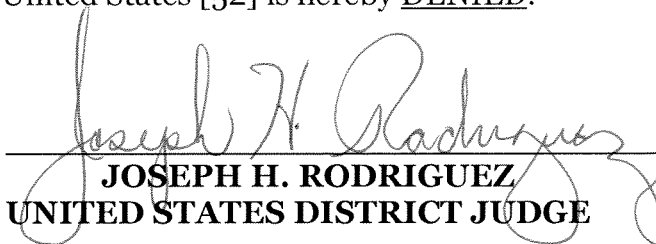
Undeterred, on May 9, 2011, Petitioner filed a third motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b), arguing that this Court's 2005 denial of

Petitioner's § 2255 motion was "void" "because the Judge's action amounts to a plain usurpation of powers constituting a violation of Due Process." On August 10, 2011, this Court again applied the Rule 60(b) standard to the facts of Petitioner's case, and again concluded that the Petitioner was not entitled to relief, as there were no extraordinary circumstances presented to invoke the equity of Rule 60(b). The Petitioner's motion for reconsideration of that decision also was denied.

On August 11, 2011, the Third Circuit denied a certificate of appealability regarding this Court's decision on the February 10, 2011 Rule 60(b) motion, stating, "[e]ssentially for the reasons explained by the District Court, we conclude that jurists of reason would not debate the District Court's denial of appellant's motion under Rule 60(b)(6)."

On July 16, 2013, Petitioner filed a document captioned "Independent Action in Equity pursuant to Rule 60(d) of the Federal Rules of Civil Procedure." Presently before the Court is his motion for Default Judgment against the United States for failure to respond to that document. The Court finds no merit in the current motion, and has no intention of continuing to entertain Petitioner's filings.

IT IS ORDERED on this 20th day of May, 2014 that Petitioner's April 7, 2014 motion for default judgment against the United States [52] is hereby DENIED.


JOSEPH H. RODRIGUEZ
UNITED STATES DISTRICT JUDGE